

## **REMARKS/ARGUMENTS**

In the Final Official Action, claim 21 was rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 20-22 were rejected under 35 U.S.C. § 102(a) as being anticipated by MATSUMOTO et al. (U.S. Patent Application Publication No. 2003/0080958 A1).

Upon entry of the present amendment, each of independent claims 20-22 have been amended. Claims 1-19 were previously cancelled. Thus, claims 20-22 are currently pending for consideration by the Examiner.

In the Final Official Action, independent method claim 21 was rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. More specifically, the Final Official Action asserted that method claim 21 does not fall into one of the four statutory categories of invention, since the claimed method is not tied to a particular machine, and does not transform the underlying subject matter to a different state or thing, referring to the two-prong “machine or transformation” test, as articulated by the Court of Appeals for the Federal Circuit in the relatively recent case of In re Bilski, 88 U.S.P.Q.2d 1385 (Fed.Cir. 2008).

This rejection was discussed with the Examiner in the telephonic Examiner Interview held February 19, 2010. Consistent with that discussion, Applicants have amended claim 21 such that Applicants submit that amended claim 21 falls squarely within the “process” statutory category of invention under 35 U.S.C. § 101. More specifically, Applicants submit that claim 21 is at least tied to a particular machine or apparatus.

A review of amended independent method claim 21 reveals that claim 21 is directed to a display processing method for displaying a synthesized superimposed graphics image. The claimed method explicitly recites that the superimposing and displaying of the graphics image

are executed by a display processor, which subsequently displays the synthesized superimposed graphics image on a display.

Additionally, Applicants respectfully submit that the references to the display processor and the display impose meaningful limits on the scope of independent claim 21 since the references to the display processor and the display require that fundamental features of claim 21 are implemented using a particular machine or apparatus, and are far more than a mere a field of use limitation. Additionally, Applicants submit that the superimposing and displaying of the graphics image executed the display processor and the actual displaying of the synthesized superimposed graphics image on the display are directly integrated into the overall display processing method, and are substantially more than an insignificant extra-solution activity.

Thus, Applicants submit that independent claim 21 recites a statutory process since the method is tied to a particular machine or apparatus. Applicants further submit that the statutory nature of claim 21 based upon the process being tied to a particular machine or apparatus is completely consistent with the “New Interim Patent Subject Matter Eligibility Examination Instructions” issued by the USPTO’s Acting Deputy Commissioner for Patent Examination Policy, dated August 24, 2009.

Accordingly, for at least the reasons discussed above, Applicants submit that amended claim 21 is directed to a statutory process. Thus, Applicants respectfully request that the rejection of independent claim 21 under 35 U.S.C. § 101 be withdrawn.

In the Final Official Action, claims 20-22 were rejected under 35 U.S.C. § 102(a) as being anticipated by MATSUMOTO, primarily citing MATSUMOTO’s Figures 1 and 3 together with the corresponding descriptions. This rejection was also discussed with the Examiner in the

telephonic Examiner Interview held February 19, 2010. Consistent with the Examiner Interview, Applicants have amended each of independent claims 20-22.

Applicants respectfully submit that MATSUMOTO fails to anticipate amended independent claims 20-22, since MATSUMOTO fails to disclose each and every feature recited therein, which is required to sustain an anticipation rejection under 35 U.S.C. § 102(a). Applicants submit that MATSUMOTO fails to anticipate claims 20-22 for at least several reasons.

More specifically, amended independent claim 20 explicitly recites *an order storage in which a specific order of superimposing the graphics images stored in the provided plurality of storage areas is stored* (emphasis added). Amended claim 20 also recites a notifier that provides *a notification regarding the specific order stored in the order storage* (emphasis added). Additionally, amended claim 20 recites that *the graphics images are overwritten according to the specific order stored in the order storage to form the synthesized superimposed graphics image* (emphasis added). Further, amended claim 20 recites that *the graphics images are stored in the plurality of storage areas for storing the graphics images in accordance with the specific order stored in the order storage* (emphasis added). Finally, amended claim 20 recites that *the specific order stored in the order storage can be changed* (emphasis added).

In other words, amended claim 20 recites that based upon a changeable specific order that is stored in an order storage, the various graphics images are stored in a plurality of storage areas in accordance with the changeable specific order, and are subsequently overwritten according to the changeable specific order to form and display the synthesized superimposed graphics image.

Applicants respectfully submit that MATSUMOTO fails to disclose at least the above-cited features of amended claim 20. Applicants also submit that features similar to the features

cited above, are also recited in corresponding amended independent method claim 21 and amended independent computer-readable storage medium claim 22.

Initially, Applicants wish to point out that conventional rendering processes perform rendering while taking into consideration of the overlap of the graphics content. This consideration causes the rendering process to slow down. In contrast, Applicants form of rendering both reduces the complexity of the rendering process, and results in a faster overall rendering process, when compared to the conventional techniques.

The Examiner's attention is drawn, for instance, to Applicants' Figures 8-9 and the corresponding description, wherein an application renders two graphics content in separate OSD areas. The application also synthesizes the OSD areas based on the vertical order indicated in the management table of the OSD areas, which is managed by the Z-order management unit.

In contrast, the object of MATSUMOTO is to display a multiple-layer 3D image, while suppressing memory capacity by using one Z buffer in a time sharing manner, and facilitating the drawing of the same object at different coordinates by providing drawing object information and coordinates separately. In MATSUMOTO, the display list is prepared based on the drawing object information on a road, a building, and so on, as described in MATSUMOTO's paragraph [0072]. Additionally, MATSUMOTO's display list is separately prepared for each layer (image). However, MATSUMOTO fails to disclose the overwriting of graphics images according to a changeable specific order, stored in an order storage, to form the synthesized superimposed graphics image in the specific manner explicitly recited in claims 20-22.

Additionally, in MATSUMOTO, the superimposing unit 17 superimposes a first-layer 3D image stored in the first frame buffer 16a and a second-layer 3D image stored in the second frame buffer 16b to form a multiple-layer 3D image. In other words, MATSUMOTO's

superimposing unit 17 performs superimposition in a fixed order, i.e., the first layer is first, and the second layer is second. See, for instance, MATSUMOTO's paragraphs [0078]-[0079]. Thus, Applicants submit that MATSUMOTO fails to disclose the changing of the vertical ordering of plural OSD areas, as explicitly recited in each of Applicants' independent claims 20-22.

Applicants respectfully submit that MATSUMOTO is configured and functions in a distinctly different manner than Applicants' display processor, display processing method, and computer-executable program encoded in the computer-readable storage medium, as explicitly recited in amended independent claims 20-22, respectively. Since MATSUMOTO does not utilize a changeable specific order, MATSUMOTO's system does not provide for an order storage to store the changeable specific order, does not store the graphics images in storage areas in accordance with the changeable specific order, and does not overwrite the graphics images according to the changeable specific order to form a synthesized superimposed graphics image, in the specific manner explicitly recited in claims 20-22.

Thus, for at least the reasons discussed above, Applicants respectfully submit that claims 20-22 are not anticipated by MATSUMOTO, since MATSUMOTO fails to disclose each and every feature recited in claims 20-22. Accordingly, Applicant respectfully request that the rejection of claims 20-22 under 35 U.S.C. § 102(a) as being anticipated by MATSUMOTO be withdrawn, and that an indication of the allowability of claims 20-22 be provided in the next Official communication.

### **STATEMENT OF SUBSTANCE OF EXAMINER INTERVIEW**

On February 19, 2010, a telephonic interview was held regarding the present application. The participants in the telephonic interview were Examiner Michelle K. Lay and Applicant's Attorney Gary V. Harkcom. During the interview, the rejection of independent method claim 21 under 35 U.S.C. § 101 as being directed to non-statutory subject matter was discussed. A general agreement was reached that amending claim 21 to recite at least some features to tie the method to a particular machine or apparatus would overcome the rejection.

Additionally, the rejection of independent claims 20-22 under 35 U.S.C. § 102(a) as being anticipated by MATSUMOTO was discussed. Mr. Harkcom argued that MATSUMOTO does not anticipate claims 20-22 since MATSUMOTO fails to disclose each and every feature recited in claims 20-33. More specifically, Mr. Harkcom argued, among other things, that MATSUMOTO's "Graphics Library" and "Display List" do not correspond to Applicants' claimed order storage and order of superimposing graphics images, since MATSUMOTO does not address all of the specific features corresponding to these elements, as explicitly recited in the claims. Examiner Lay suggested that these distinctions between claims 20-22 and MATSUMOTO be clarified. In conclusion, Examiner Lay indicated that upon the filing of a response to the Final Official Action, the anticipation of claims 20-22 would be reconsidered in view of the discussion during the Examiner Interview and the arguments presented in the response to the Final Official Action.

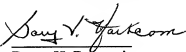
### SUMMARY

From the amendments, arguments, and remarks provided above, Applicants submit that all of the pending claims in the present application are patentable over the references cited by the Examiner, either alone or in combination. Accordingly, reconsideration of the outstanding Final Official Action is respectfully requested and an indication of allowance of claims 20-22 is now believed to be appropriate.

Applicants note that this amendment is being made to advance prosecution of the application to allowance, and should not be considered as surrendering equivalents of the territory between the claims prior to the present amendment and the amended claims. Further, no acquiescence as to the propriety of the Examiner's rejections is made by the present amendment. All other amendments to the claims which have been made by this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should there be any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

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